

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.29363 of 2019**

**(Through hybrid mode)**

***Saranga Behera***

....

***Petitioner***

Mr. J.R. Dash, Advocate

*-versus-*

***Collector Puri and others***

....

***Opposite Parties***

Mr. A.K. Sharma, AGA

**CORAM: JUSTICE ARINDAM SINHA**

**ORDER**

**29.06.2022**

**Order No.**

- 05.** 1. Mr. Dash, learned advocate, appears on behalf of petitioner. He is father of the deceased, who died on 12<sup>th</sup> October, 2013. Cause of death was tree fallen on the thatched house, where the deceased was sleeping. The incident occurred because of cyclone 'Fani'.
2. Mr. Das submits, impugned is order dated 1<sup>st</sup> October, 2016 whereby Collector, Puri dropped the ex-gratia claim because as no postmortem was conducted for ascertaining the actual cause of death. He relies on joint spot visit memorandum-cum-enquiry report signed by the Medical Officer and Tahasildar. Following from the report is reproduced below.

*"The matter was registered on Brahmagiri Police Station, vide P.S. Case No.671/dt.31.10.2013, and no inquest and post mortem is conducted as the road was obstructed by Phailin and the telephone line was disturb. The dead body was cremated in the village smasan and a certificate vide No.658 dt.14.10.2013 was issued by the Sarapanch, Rebenanugaon G.P. regarding the death of the deceased."*

3. He then hands up and relies on certified copy of order sheet of

proceeding before the Tahasildar, commencing with order dated 10<sup>th</sup> March, 2013. Following is extracted from the order sheet and reproduced below.

*“The case record is put up today. I am inclined to suggest for sanction of Rs.6,00,000/- (Rupees Six Lakhs) only. As per letter No.2197/SR/ Dt. 18.10.2013, of Principal Secretary to Govt. and Special Relief Commissioner.*

*In view of the above facts the Ex-Gratia amount may be sanctioned in favour of his father Saranga Behera.”*

4. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and relies on disclosure in the counter being order dated 1<sup>st</sup> June, 2015. The order stood issued by Principal Secretary to Govt. and Special Relief Commissioner, directing, inter alia, that in case of ex-gratia claim for compensation on death, postmortem report is mandatory, except where there was admission to hospital and there is medical report.

5. Court is convinced that there was disruption in infrastructure preventing postmortem being conducted. In the circumstances, opposite party no.1 must consider petitioner's claim for ex-gratia compensation, recommended at Rs.6,00,000/- by the Tahasildar. Said opposite party will disburse the compensation within four weeks of communication. In event part or whole of the claim, as recommended, is to be denied, reasons therefor must also be communicated to petitioner within that time.

6. The writ petition is disposed of.

**(Arindam Sinha)**  
**Judge**